

**MINUTES OF THE MEETING
OF THE
BOARD OF NURSING**

May 18, 2006

Call to Order

Marcy Echternacht, President, called the meeting of the Nebraska Board of Nursing to order at 8:30 a.m. on March 16, 2006, in the board room at Mary Lanning Hospital in Hastings, Nebraska. Copies of the agenda were sent to Board members and other interested persons, and posted.

Roll Call

The following members were present:

Marcy Echternacht, RN, President
Mary Megel, RN, Vice-President
Jacqueline Ross, RN, Secretary
Mary Bunger, RN
Deanna Lloyd, LPN
Joyce Bunger, public member
Sandra Mann, public member
Julie Brauer, RN
Dawn Nickel, LPN (arrived at 9:05 a.m.)
Crystal Higgins, RN
Nancy Gondringer, RN
Lori Smith, RN

A quorum of the Board was present and the meeting convened. Also present from the Credentialing Division was Charlene Kelly, RN, Executive Director, Sheila Exstrom, RN, Nursing Education Consultant, Karen Bowen, RN, Nursing Practice Consultant. Also present was Terri Nutzman, JD, Assistant Attorney General. Peggy Persell and Sharon Fitts, nursing investigators, were present via telephone during closed session.

New member, Lori Smith, was introduced to the board and board members and staff introduced themselves to her.

Review of Agenda

The board reviewed the agenda.

1. M. Bunger made the motion seconded by Mann **that the board adopt the agenda.**

Voting Aye: M Bunker, J. Bunker, Mann, Megel, Ross, Lloyd, Brauer, Echternacht, Higgins, Smith and Gondringer. Voting Nay: none. Abstain: none. Absent: Nickel. Motion carried.

Review of the Consent Agenda

The board reviewed the consent agenda. The minutes of the April 25, 2006 telephone conference call meeting were added to the consent agenda.

2. J. Bunker made the motion seconded by Mann **that the board adopt the consent agenda and approve the following:**

- D.1. April 20, 2006 Board of Nursing meeting minutes**
- D.2. April 20, 2006 Education Committee meeting minutes**
- D.3. April 20, 2006 Practice Committee meeting minutes**
- D.4. April 25, 2006 Telephone Conference Call minutes**
- 4.4 Disciplinary actions/dismissals since last meeting**
- 4.5 Probation monitoring update**

Voting Aye: M Bunker, J. Bunker, Mann, Megel, Ross, Lloyd, Brauer, Echternacht, Higgins, Smith and Gondringer. Voting Nay: none. Abstain: none. Absent: Nickel. Motion carried.

8:40 a.m.

Investigators Sharon Fitts and Peggy Persell were connected by telephone.

Closed Session

3. Gondringer made the motion seconded by Brauer **that the board go into closed session for the purpose of reviewing investigation reports.**

Voting Aye: M Bunker, J. Bunker, Mann, Megel, Ross, Lloyd, Brauer, Echternacht, Higgins, Smith and Gondringer. Voting Nay: none. Abstain: none. Absent: Nickel. Motion carried.

9:05 a.m. Dawn Nickel arrived at the meeting.

9:35 a.m. Meeting recessed.

9:50 a.m. Meeting reconvened in closed session.

10:45 a.m. Meeting recessed.

10:55 a.m. Meeting reconvened in closed session.

11:00 a.m. Higgins left the meeting.

11:10 a.m. Higgins returned to the meeting.

11:30 a.m. Higgins left the meeting.
11:45 a.m. Higgins returned to the meeting.

11:45 a.m. The board came into open session. Persell and Fitts were no longer in attendance via telephone.

Based on the discussions held in closed session the following motions were made:

Shelley Terzich

4. J. Bunger made the motion seconded by Mann **that the board deny Shelley Terzich's application for reinstatement of her LPN license due to 1) failure to comply with the January 2004 NE Licensee Assistance Program recommendation for intensive outpatient treatment for chemical dependency and to follow all aftercare recommendations, and 2) diagnosis of amphetamine dependence.**

Voting Aye: M Bunger, J. Bunger, Mann, Megel, Ross, Lloyd, Brauer, Echternacht, Higgins, Smith, Nickel and Gondringer. Voting Nay: none. Abstain: none. Absent: None. Motion carried.

John Neal

5. Brauer made the motion seconded by Gondringer **that the board defer their decision on John Neal's application for RN licensure pending receipt and review of an evaluation completed with a board-approved psychiatric practitioner. The practitioner will be asked to address the following: What is the relapse potential? What are monitoring parameters, if applicable? Does he/she recommend any restrictions or limitations to practice?**

Voting Aye: J. Bunger, Megel, Ross, Brauer, Higgins, Smith, and Gondringer.
Voting Nay: M. Bunger, Lloyd, Nickel and Mann Abstain: Echternacht. Absent: None. Motion carried.

Robin Vineyard

6. J. Bunger made the motion seconded by Lloyd **that the board grant Robin Vineyard an unencumbered license pending receipt of a favorable letter of reference from a Hamilton College faculty member and verification that she has been released from parole.**

Voting Aye: M Bunger, J. Bunger, Mann, Megel, Ross, Lloyd, Brauer, Echternacht, Higgins, Smith, Nickel and Gondringer. Voting Nay: none. Abstain: none. Absent: None. Motion carried.

Leah Carper

7. Megel made the motion seconded by Nickel **that the board grant Leah Carper an unencumbered license pending passage of the NCLEX-RN® examination.**

Voting Aye: M Bunger, J. Bunger, Mann, Megel, Ross, Lloyd, Brauer, Echternacht, Higgins, Smith, Nickel and Gondringer. Voting Nay: none. Abstain: none. Absent: None. Motion carried.

11:50 a.m.

Closed Session

8. Lloyd made the motion seconded by Megel **that the board go back into closed session to discuss probation violation issues.**

Voting Aye: M Bunger, J. Bunger, Mann, Megel, Ross, Lloyd, Brauer, Echternacht, Higgins, Smith, Nickel and Gondringer. Voting Nay: none. Abstain: none. Absent: None. Motion carried.

12:05 p.m. The board came out of closed session

The board recessed briefly over lunch. Discussion continued on topics for discussion with an upcoming meeting with Dr. Shaefer. Suggested topics included philosophy of discipline, rationale for probation recommendations, public protections issues surrounding probation violations and a discussion of criminal background checks as a requirement for licensure and guidelines for dealing with convictions.

Practice Committee

The Practice Committee continues to formulate an advisory opinion nurses' use of Propafol® as an anesthetic agent. New board member Smith will be assigned to the Practice Committee.

It was noted that representatives from the Nebraska Health Care Association will attend the June meeting of the Board of Nursing to discuss issues related to CPR in Assisted Living facilities.

Communication with other Organizations

Exstrom attended a meeting of the coordinating committee of the Nebraska Nursing Leadership Coalition. The committee reviewed the evaluations from the Nursing Leadership Summit. Evaluations continue to be positive. Attendance was down significantly this year. It has been suggested that this might be due to elimination of the requirement for half of the required continuing education to be from attended programs or it could be a reflection of staffing shortages. The second annual Issues Forum is being planned for the fall of 2006. The fall Coalition membership meeting will be held in conjunction with the Issues Forum.

Report on recent publications, consultation and speaking

Staff reported that they have given presentations on licensure, education and practice issues to students and groups in several settings.

Kelly announced that an article on the research conducted by Alison Clevette, a graduate student who preceptored with Kelly and Exstrom last fall, and Kelly has been accepted for publication in the spring issue of Journal of Legal Nursing.

Nursing News

The April issue of *Nursing News* has been published. It was suggested that the July issue feature article will be on the projected pandemic, the nurse's role in a pandemic and the potential effects of a pandemic on the healthcare delivery system.

Update on the Center for Nursing

The board attention was called to the report on the Supply and Demand for Nurses in Nebraska which was included with the board mailing. The Center for Nursing is currently conducting an employer survey to determine vacancy rates for RNs, LPNs and unlicensed assistive personnel in a variety of facilities across the state.

Education Committee

Megel gave an overview of the recent activities of the Education Committee. The committee offered the following recommendations:

College of Saint Mary

Practical Nursing Program Curriculum Changes

8. The Education Committee made the motion **that the Nebraska Board of Nursing accept the proposed changes to the PN curriculum at College of Saint Mary which include: 1) adding a two credit hour SCI 105 to the program to be offered prior to the Anatomy course, 2) adding a two credit hour developmental English course (ENG 099) for those students needing it as indicated by a standard writing assessment test, 3) moving the English Comprehensive course (ENG 101) from the summer to the fall semester and 4) deleting the three hour course Lifespan Development (PSY 220) from the curriculum and integrating the content into PNC102 (adult) and into PNC103 (child).**

Voting Aye: M Bunker, J. Bunker, Mann, Megel, Ross, Lloyd, Brauer, Higgins, Smith, Nickel and Gondringer. Voting Nay: none. Abstain: Echternacht. Absent: None. Motion carried

Associate Degree Program Site Visit

9. The Education Committee made the motion **that the Nebraska Board of Nursing accept the site visit report of the College of Saint Mary Associate Degree Nursing program and grant continued approval of the program.**

Voting Aye: M Bunger, J. Bunger, Mann, Megel, Ross, Lloyd, Brauer, Higgins, Smith, Nickel and Gondringer. Voting Nay: none. Abstain: Echternacht. Absent: None. Motion carried

Nebraska Methodist College

10. The Education Committee made the motion **that the Nebraska Board of Nursing, 1) approve the curriculum changes which include the incorporation of core curriculum courses, content reassignment from NS245 to NS345, removal of Gerontology course (incorporated into other nursing courses), reduction of LPN transition course from 3 credit hours to 2, reduction of total credit hours from 128 to 127, and modification of the content of some of the nursing courses (400 level courses to be approved at a later date) and 2) approve NS366, Women's Health Issues, a non-clinical nursing elective as submitted by the Methodist College BSN program**

Voting Aye: M Bunger, J. Bunger, Mann, Megel, Ross, Lloyd, Brauer, Echternacht, Higgins, Smith, Nickel and Gondringer. Voting Nay: none. Abstain: None. Absent: None. Motion carried

Metropolitan Community College

11. The Education Committee made the motion **that the Nebraska Board of Nursing, 1) approve NURS 1300 Mental Health Nursing I as resubmitted by Metropolitan Community College and 2) approve NURS 1120 Adult Nursing II with the suggested changes as made by the committee.**

Voting Aye: M Bunger, J. Bunger, Mann, Megel, Ross, Lloyd, Brauer, Echternacht, Higgins, Smith, Nickel and Gondringer. Voting Nay: none. Abstain: None. Absent: None. Motion carried

Hamilton College – Omaha

12. The Education Committee makes the motion **that the Nebraska Board of Nursing accept the quarterly report from the PN program of Hamilton College, Omaha with the recommendation that the policies regarding immunizations, body fluid screens and attendance include the action that is taken and that the report showing the attendance of the students be revised so that it is more easily understood.**

Voting Aye: M Bunker, J. Bunker, Mann, Megel, Ross, Lloyd, Brauer, Echternacht, Higgins, Smith, Nickel and Gondringer. Voting Nay: none. Abstain: None. Absent: None. Motion carried.

Western Nebraska Community College

13. The Education Committee made the motion **that the Nebraska Board of Nursing, 1) approve the proposed course descriptions for level 2 as submitted with the suggested changes as made by the committee, 2) approve ADN 1120 Pharmacology with the addition of “drug calculations” to Unit I of the course outline, 3) approve ADN 1130 Introduction to Pathophysiology as resubmitted, 4) approve the course schedules (full-time, part-time and part-time advanced placement) as resubmitted, 5) approve the job descriptions as resubmitted, and 6) approve the program as a 72 credit hour program.**

Voting Aye: M Bunker, J. Bunker, Mann, Megel, Ross, Lloyd, Brauer, Echternacht, Higgins, Smith, Nickel and Gondringer. Voting Nay: none. Abstain: None. Absent: None. Motion carried.

Faculty Waiver – College of Saint Mary

14. **The Education Committee made the motion that the Nebraska Board of Nursing grant a waiver of the MSN requirement for Joyce Stoural an adjunct faculty in psychiatric nursing for one semester (spring).**

Voting Aye: M Bunker, J. Bunker, Mann, Megel, Ross, Lloyd, Brauer, Higgins, Smith, Nickel and Gondringer. Voting Nay: none. Abstain: Echternacht. Absent: None. Motion carried.

Financial Report

The board reviewed the budget status report dated 4/30/2006.

Legislation/Regulation Update

Title 172 NAC Chapter 97 Regulations Governing the Approval of Nursing Education Programs will not be signed by the governor until a revision is made to remove the requirement for an MSN degree for adjunct clinical faculty in practical nursing programs. This change requires that the regulations be set for another hearing. At the same hearing amendments to the acceptable scores for tests of English proficiency in Title 172 NAC Chapter 101 will be heard

15. Ross made the motion seconded by Mann **to set the revised regulations Title 172 NAC Chapter 97 and Title 172 NAC Chapter 101 for hearing as amended.**

Voting Aye: M Bunger, J. Bunger, Mann, Megel, Ross, Lloyd, Brauer, Echternacht, Higgins, Smith, Nickel and Gondringer. Voting Nay: none. Abstain: None. Absent: None. Motion carried.

Title 183 NAC Chapter 6 Nursing Faculty Student Loan Program have been approved by the governor and are in effect. Department representatives plan to meet with nursing program staff from the colleges in early July to distribute forms and explain the procedures to be used for the disbursement of funds.

Legislation:

LB 838	Would exempt CRNAs from the radiation training requirement.
Status:	Indefinitely postponed.
LB 908	Would exempt APRNs from the radiation training requirement.
Status:	Indefinitely postponed.
LB 962	Nursing Faculty Loan Program appropriation
Status:	Passed. Effective date July 14, 2006.
LB 1001	Extends physician/patient protected privileges to APRNs
Status:	Indefinitely postponed.
LB 1002	Removes the restrictions on APRN prescription of controlled substances
Status:	Passed. Effective date July 14, 2006
LB 1107	Would allow students to self-manage diabetes in school
Status:	Passed. Effective date July 14, 2006
LB 1148	Would allow students to self-manage asthma in school
Status:	Passed. Effective date July 14, 2006
LB 1254	Would allow APRNs to manage the care of persons committed for mental health reasons.
Status:	Passed. Effective date July 14, 2006

National Council of State Boards of Nursing Committee Reports

Policy Call: The last Policy Call focused on APRN reimbursement issues, Centers for Medicare/Medicaid Services. There was also discussion of Nurse Licensure Compact. Currently four states have pending compact legislation. Kentucky has passed their compact legislation with projected implementation of June 1, 2007. They are the 22nd state to pass compact legislation. Bowen also provided legislative updates of interest from various states, including criminal background checks, expanded scope of practice for NPs, lay midwives, and MSN requirement for nursing faculty.

Examination Committee: The examination committee will recommend that the House of Delegates approve the RN test plan. Effective date will be April 2007. The committee continues to discuss the alternate language examination. Additional foreign testing sites are being considered. The new graduate surveys are now being conducted online.

Practice, Regulation and Education: This committee is working on the Elements of Education Study.

Resolutions: No resolutions have been presented to date.

Bylaws: Major revisions to the Bylaws have been completed. There are three conference calls scheduled with the membership to discuss the change which will be voted on at Delegate Assembly.

Practice Breakdown: The committee has been focusing on achieving instrument inter-rater reliability. The next step is the rollout of the TERCAP tool for use by boards of nursing. It was suggested that Dr. Shaefer might be interested in this project.

Continued Competence: Lloyd has resigned from this meeting due to family responsibilities.

Annual Meeting

The following board members and staff indicated they plan to attend the annual meeting in Salt Lake City, UT in August: Higgins, Lloyd, Mann, Ross, Brauer, J. Bunger, Echternacht, Gondringer, Smith, Kelly, Exstrom and Bowen. Exstrom and Kelly's attendance will be paid by National Council because they chair committees. In addition National Council will pay the attendance for two additional members.

Criminal Background Checks

The board held a discussion on the pros and cons of criminal background checks. It was decided that before moving to require these checks the board needs to decide what they will do with the information. The board will review their guidelines for action for applicants/licensees who have criminal convictions in their history.

Next Meeting

The next meeting is scheduled for June 15, 2006.

Adjournment

The meeting adjourned at 2:45 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jacqueline Ross".

Jacqueline Ross, Secretary